

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

v.

BRIAN PATRICK BAYNES,

Defendant.

Case No. 1:19-CR-232



STATEMENT OF FACTS

The United States and the defendant, BRIAN PATRICK BAYNES (hereinafter, “the defendant”), agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. Between on or about June 3, 2018, and on or about June 6, 2019, in Fairfax County, Virginia, within the Eastern District of Virginia, the defendant, BRIAN PATRICK BAYNES, while being an unlawful user of, or addicted to, any controlled substance, did knowingly and unlawfully possess in and affecting commerce four firearms, specifically, a long gun, bearing serial number 12045993, believed to be a Norinco Chinese SKS-style rifle; a BCM4 rifle, bearing serial number A045643; an Arsenal Firearms model SAM7R, bearing serial number BA532035; and a Sturm Ruger & Co .22 long rifle, bearing serial number 0012-05848, such firearms having been shipped and transported in interstate commerce.

2. On June 3, 2018, the defendant purchased a Sturm Ruger & Co .22 long rifle, bearing serial number 0012-05848, from Cabelas in Gainesville, Virginia, within Prince William County, in the Eastern District of Virginia. On November 3, 2018, the defendant purchased a BCM4 Lower Receiver, bearing serial number A045643, from Green Top Sporting Goods in

Ashland, Virginia, within Hanover County, in the Eastern District of Virginia. On June 2, 2019, the defendant attempted to purchase a Glock 43, 9mm from Vienna Arsenal, in Vienna, Virginia.

3. In purchasing these firearms, the defendant completed necessary forms provided by the United States Department of Justice's Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"). In particular, the defendant completed and signed an ATF Form 4473 for each sale. Form 4473 includes Question E, which reads: "Are you an unlawful user of, or addicted to marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside." In response to Question E, the defendant checked "no" on the June 3, 2018, November 3, 2018, and June 2, 2019 Form 4473s. The defendant certified that his answers were true and that he was aware that a false answer was punishable as a felony under federal law.

4. Between on or about June 3, 2018, and on or about June 6, 2019, the defendant was an unlawful user of, or addicted to, marijuana, a controlled substance as defined in section 102 of the Controlled Substance Act.

5. On June 6, 2019, the agents from the Washington Field Office of the FBI arrested the defendant pursuant to a previously issued arrest warrant and executed previously issued search warrants on the defendant's home and vehicle. During the execution of the search warrants for the defendant's residence and vehicle, agents seized the following items, among others:

- a. A long gun, bearing serial number 12045993, believed to be a Norinco Chinese SKS-style rifle;
- b. A BCM4 rifle, bearing serial number A045643;

- c. An Arsenal Firearms model SAM7R, bearing serial number BA532035;
- d. A Sturm Ruger & Co .22 long rifle, bearing serial number 0012-05848;
- e. 11 magazines for 7.69x39 ammunition;
- f. 175 rounds of 7.69x39 ammunition;
- g. 30 rounds of unmarked .223 ammunition;
- h. 119 rounds of .223 Remington ammunition;
- i. 190 rounds of 7.62 ammunition;
- j. 50 rounds of .22 ammunition;
- k. 2 magazines for .22 ammunition;
- l. An ammunition carrier with 210 rounds of 7.62x39 ammunition;
- m. A green metal ammunition can with 1 7.62x39 magazine, 536 rounds of 7.62x39 ammunition, and 1 round of .223 ammunition; and
- n. A fake urine kit, consisting of a small, plastic bottle containing an unknown yellowish liquid with a thermometer attached to the exterior of the bottle, and what is believed to be a small heater, all contained in a cloth bag.

6. The firearms discussed in this statement of facts were not manufactured in the Commonwealth of Virginia, and, therefore, the firearms traveled in, and/or affected interstate commerce.

7. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

8. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

Respectfully submitted,

G. Zachary Terwilliger
United States Attorney

Date: August 8, 2019

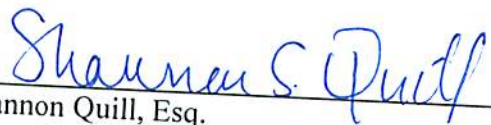
By: 

Anthony W. Mariano
Special Assistant United States Attorney
Ronald L. Walutes, Jr.
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, BRIAN PATRICK BAYNES, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.


BRIAN PATRICK BAYNES

I am Shannon Quill, defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.


Shannon Quill, Esq.
Attorney for BRIAN PATRICK BAYNES